

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

What is claimed is:

1. (Currently amended) An automated freezer comprising:  
a removable cartridge for storing at least one item;  
a platform moveable within said removable cartridge in response to a request for said at least one item; and  
a retention mechanism comprising at least one retention member moveable between a first position and a second position, the at least one member when in the first position located to retain a portion of said at least one item in the automated freezer when said cartridge is removed from the automated freezer.
2. (Cancelled)
3. (Cancelled)
4. (Previously presented) The automated freezer as recited in claim 1 further including a removal device and an exit opening, and said removal device removes said at least one item from said automated freezer through said exit opening in response to said request.
5. (Previously presented) The automated freezer as recited in claim 4 wherein said platform raises after said at least one item exits said automated freezer through said exit opening.
6. (Previously presented) The automated freezer as recited in claim 4 further including a sensor, and said removal device removes said at least one item from said

automated freezer through said exit opening in response to said request when said sensor detects said at least one item.

7. (Original) The automated freezer as recited in claim 4 wherein said removal device is pivotal.

8. (Previously presented) The automated freezer as recited in claim 1 further including a controller associated with the automated freezer and a POS device, and wherein said request comprises a signal sent by said POS device.

9. (Original) The automated freezer as recited in claim 1 wherein said cartridge has a substantially circular inner profile.

10. (Currently amended) The automated freezer as recited in claim 1 wherein said cartridge includes a first portion and a second portion, and said first portion is removably attached to said second portion by an attachment feature, and said first portion includes a first bottom end having a first half-circular cutout and said second portion includes a second bottom end having a second half-circular cutout, said first half-circular cutout and said second half-circular cutout define a circular cutout when said first portion is attached to said second ~~position~~ portion.

11. (Original) The automated freezer as recited in claim 10 wherein said platform has a platform diameter and said circular cutout has a cutout diameter, and said cutout diameter is greater than said platform diameter.

12. (Previously presented) The automated freezer as recited in claim 10 wherein said cartridge includes a bottom edge having an opening with an opening dimension, and said platform includes a platform diameter, and said opening dimension is greater than said platform diameter.

13. (Cancelled)

14. (Cancelled)

15. (Cancelled)

16. (Cancelled)

17. (Cancelled)

18. (Currently amended) A method for transferring at least one item from an automated freezer comprising ~~the steps of:~~

loading the at least one item into a cartridge;

positioning said cartridge in the automated freezer;

sending a request to the automated freezer;

automatically removing the at least one item from the automated freezer in response to the request;

removing the cartridge from the automated freezer; [[and]]

providing a retention mechanism comprising at least one retention member moveable between a first position and a second position, and

retaining by the at least one retention member a portion of the at least one item in the automated freezer after the step of removing the cartridge.

19. (Previously presented) The automated freezer as recited in claim 1 wherein said at least one item is transferred from the automatic freezer to a grill for cooking said at least one item.

20. (Previously presented) The automated freezer as recited in claim 1 further including a sensor that detects when said cartridge is empty and a visual indicator that indicates when said sensor detects that said cartridge is empty.

21. (Previously presented) The automated freezer as recited in claim 1, wherein said at least one item is a hamburger.

22. (Currently amended) The automated freezer as recited in claim 1, wherein said at least one item is automatically transferred from the automated freezer to a grill for cooking said at least ~~on item~~ one item in response to the request.

23. (Previously presented) The automated freezer as recited in claim 1, wherein said automated freezer freezes at least one item.

24. (Previously presented) An automated freezer comprising:
- a removable cartridge for storing at least one item;
  - a platform moveable within said removable cartridge in response to a request for said at least one item;
  - a retention mechanism to retain a portion of said at least one item in the automated freezer when said cartridge is removed from the automated freezer; and
  - a buffer defining an inner passage, said buffer having a lower end and said retention mechanism, wherein said cartridge further includes an upper end, and said upper end of said cartridge is received in said lower end of said buffer.
25. (Previously presented) The automated freezer as recited in claim 24 wherein said retention mechanism is a plurality of arms moveable between a first position and a second position, and said plurality of arms enter said inner passage when in said first position and said plurality of arms do not enter said inner passage when in said second position.
26. (Previously presented) The automated freezer as recited in claim 25 further including a resilient member that biases said plurality of arms into said first position.
27. (Previously presented) The automated freezer as recited in claim 25 wherein said plurality of arms comprise four arms.
28. (Previously presented) The automated freezer as recited in claim 25 wherein said first position is substantially perpendicular to said second position.
29. (Previously presented) The automated freezer as recited in claim 25 wherein said at least one item biases said plurality of arms into said second position.

### **REMARKS**

Applicants respectfully request reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

#### **1. Status of the Claims**

Claims 1, 4-12, and 18-29 are pending in the application. Claims 1, 18, 19 and 21-23 were rejected under 35 U.S.C. 102(b). Claims 4-12 and 20 were rejected under 35 U.S.C. 103(a). Claims 24-29 are allowed.

Support for the amendments is found in the original specification, and no new matter has been introduced. Support is found, for example, in Figs. 4 and 5 and the related description in paragraphs [35] – [37] of the specification. The amendments address the Examiner's comment that certain features relied upon by Applicant in prior arguments were not recited in the claims, and are believed to place the claims in condition for allowance.

#### **2. 35 U.S.C. 102(b) Rejections**

Claims 1, 18, 19 and 21-23 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,813,569 ("Cihanek").

Claim 1 has been amended to recite that the retention means comprises at least one retention member moveable between a first position and a second position. Cihanek does not disclose or suggest movable retention members. The retention members of the instant invention are moveable between a first position (Figs. 4A and 4B) and a second position (Figs. 5A and 5B). Para. [35]. The retention members can be movable arms that move to the second position when the cartridge is loaded, allowing food items to travel through the inner passage. Paras. [36-37]. The retention members move to the first position when the cartridge is removed, retaining any food items in the freezer compartment (Figs. 6A and 6B). Para. [37]. In Cihanek, the flanges do not move or rotate when the cartridges are placed into the dispenser, when the cartridge is removed, or at any other time. The flanges are fixed in place during the operation disclosed in Cihanek.

Claim 18 has been amended to recite providing a retention mechanism comprising at least one retention member moveable between a first position and a second position, and that said retaining a portion of the at least one item in the automated freezer is performed by the at least one retention member. Cihanek does not teach or suggest these method elements.

As explained in the prior response, the claims require a retention mechanism that is able to retain a portion of at least one food item. The flanges disclosed in Cihanek are not capable of retaining a portion of at least one item. Cihanek discloses that the flanges are of any geometrical configuration sufficient to block upward movement of product. Col. 3, lines 49-54. However, the flanges are made such that product can be added or removed without removal of the flanges, as seen in Fig. 10. Col. 3, lines 54-67. Therefore, the flanges disclosed in Cihanek are not capable of retaining a portion of at least one item.

In addition, the flanges of Cihanek do not retain at least one item in the automated freezer when the cartridge is removed. The instant invention requires that the retention members retain any food item in the buffer in the freezer compartment. Paras. [35] and [37]. Cihanek does not disclose retaining any items in the refrigerator after the display is removed. As seen in Fig. 8, Cihanek discloses that the flanges and the food items are removed from the refrigerator with the entire display, and no food items remain in the freezer. Col. 5, lines 36-43. The flanges in Cihanek do not remain in the freezer to be able to retain at least one item; and the food items do not remain in the freezer to be retained.

For at least the foregoing reasons, Cihanek does not disclose, teach or suggest the retention mechanism of claim 1 or the retaining steps of claim 18. Accordingly, claims 1 and 18 and all claims dependent thereon are allowable.